

SETTLEMENT AGREEMENT

This agreement is made and entered into between the Executive Branch Ethics Commission (hereinafter the “Commission”) and Danita Fentress-Laird.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Danita Fentress-Laird*, Agency Case No. 11-011;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on December 2, 2011, the Commission alleged facts in an Initiating Order that Danita Fentress-Laird violated the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d), (2) and (3);

WHEREAS, Danita Fentress-Laird was at all relevant times mentioned in the Initiating Order a “public servant” as defined in KRS 11A.010(9), and thus is subject to the Executive Branch Code of Ethics; and

WHEREAS, Danita Fentress-Laird indicates her desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Danita Fentress-Laird agree, pursuant to KRS 11A.100, as follows:

1. Danita Fentress-Laird admits that she committed violations of the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d), (2) and (3) as stated in Appendix A of the Commission’s Initiating Order of December 2, 2011, attached hereto and incorporated by reference herein.

2. Danita Fentress-Laird agrees to pay the Commission a civil penalty of one thousand five hundred dollars (\$1,500.00) concurrently with the execution of this Settlement Agreement.

3. Danita Fentress-Laird agrees to cooperate fully with the Commission in any further investigations and will submit complete, accurate, and truthful interviews and provide complete, accurate, and truthful testimony in any Commission proceedings in which she may be called as a witness.

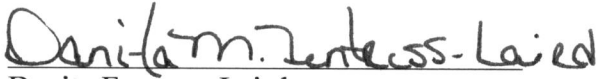
4. Danita Fentress-Laird agrees that upon the Commission accepting the Settlement Agreement and entering the Final Order that she waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

5. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction

of the herein referenced *Executive Branch Ethics Commission v. Danita Fentress-Laird*, Agency Case No. 11-011.


6. This Settlement Agreement constitutes a public reprimand to Danita Fentress-Laird, a copy of which will be provided to her current appointing authority pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:

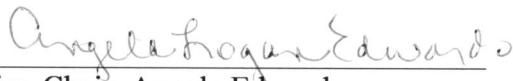

Danita Fentress-Laird

1/25/12
Date


EXECUTIVE BRANCH ETHICS COMMISSION:


Chair, Ronald L. Green

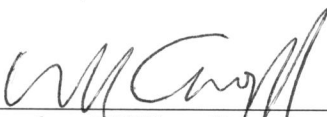
1/30/12
Date


Vice-Chair, Angela Edwards


1/30/12
Date


Member, W. David Denton

1/30/12
Date


Member, William Knopf

1-30-12
Date


Member, William Francis

1-30-12
Date

**APPENDIX A
CASE NO. 11-011
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Danita Fentress-Laird, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Agriculture. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Danita Fentress-Laird committed the following violations:

COUNT I

Danita Fentress-Laird, during her course of employment as Director, Division of Personnel and Budget, Office of Strategic Planning and Administration, Department of Agriculture, used her official position to give herself a financial gain and an advantage in derogation of the public interest at large; used her official position to secure or create privileges, exemptions, advantages, or treatment for herself in derogation of the public interest; failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest; and failed to abstain from action on an official decision in which she had a personal or private interest and failed to notify her superior in writing of her reasons for abstaining so that her superior could have an impartial third party make the decision.

Specifically, in September through December of 2010, Fentress-Laird used her position as the Director of the Personnel Division, a non-merit position, to influence her superiors to allow her to create an assistant director classified, merit position in her division, which she took actions to ensure was filled by herself. Fentress-Laird took the following actions to ensure that she was placed in the classified, merit position: Fentress-Laird contacted the Department of

Personnel to establish the new position and drafted the position description and job duties; Fentress-Laird applied as a candidate for the position after assigning her subordinate, Alisa Edwards, with the job of conducting the interviews; Fentress-Laird created the interview questions and possible acceptable answers for Ms. Edwards to use during the interview process; Ms. Edwards reported to Fentress-Laird her recommendation for the best candidate for the position, which happened to be Fentress-Laird; Fentress-Laird reported Ms. Edwards recommendation to the Commissioner of Agriculture; and Fentress-Laird directed Alisa Edwards to establish the pay grade for her new position as assistant director through the Personnel Cabinet.

After Fentress-Laird applied for the position and thus appeared before the Department of Agriculture, Fentress-Laird made no attempt to abstain from participating in the hiring process illustrated by her actions listed in the previous paragraph and her actions of responding to outside inquiries by potential applicants concerning the new position and failing to remove her name from the "Register Team" allowing her access to the other candidates' applications and personal information. All of these actions show Fentress-Laird's failure to avoid conduct that would lead members of the public to conclude that she was using her official position to further her own professional or private interests.

These facts constitute a violation of KRS 11A.020(1)(c) and (d), (2) and (3).

KRS 11A.020(1)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;
or

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for

himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

KRS 11A.020(3) provides:

- (3) When a public servant abstains from action on an official decision in which he has or may have a personal or private interest, he shall disclose that fact in writing to his superior, who shall cause the decision on these matters to be made by an impartial third party.

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